

ADMITTED TO PRACTICE IN:
NEW YORK; NEW JERSEY;
UNITED STATES SUPREME COURT;
U.S. COURTS OF APPEALS FOR THE
SECOND AND THIRD CIRCUITS;
U.S. DISTRICT COURTS FOR THE
EASTERN DISTRICT OF TEXAS,
DISTRICT OF NEW JERSEY,
NORTHERN DISTRICT OF FLORIDA,
NORTHERN DISTRICT OF ILLINOIS,
DISTRICT OF CONNECTICUT, AND
NORTHERN, SOUTHERN & EASTERN
DISTRICTS OF NEW YORK; U.S.
COURT OF INTERNATIONAL TRADE;
U.S. COURT OF FEDERAL CLAIMS.

JAMES M. MALONEY
ATTORNEY AT LAW
PROCTOR IN ADMIRALTY



P.O. Box 551
33 BAYVIEW AVENUE
PORT WASHINGTON, NY 11050

TEL: (516) 767-1395
FAX: (516) 708-1395

E-MAIL ADDRESS:
maritimelaw@nyu.edu

Monday, April 27, 2020

Via ECF

Re: *Dark Storm Industries LLC et al. v.*
Cuomo et al., 20-cv-360

Hon. Andrew T. Baxter
United States Magistrate Judge
United States District Court for the Northern District of New York

Dear Judge Baxter:

I represent the plaintiffs in the above-captioned matter and write (having first sought last week to work out a reasonable compromise with opposing counsel) to request a reconsideration of that part of Your Honor's text order of April 22 (DE 8) that, perhaps inadvertently, reset the date on which the answer of Defendant Empire State Development Corporation ("ESD") is due from April 24 (see docket entry dated April 7) to May 7, 2020.

Briefly, the stipulation (DE 7) did nothing to change the date that ESD's answer was due, and plaintiffs had gone to considerable effort to serve that defendant early on in order to expedite the progress of this case in which the rights not only of plaintiffs but of many others similarly situated throughout the state are being restricted. Delays in this litigation work unfairness.

Last week, in a communication that discussed the foregoing in considerably greater detail, the undersigned proposed to opposing counsel that ESD's answer be filed by tomorrow, Tuesday, April 28. There has been no response to that proposal.

Accordingly, and in the interests of reasonable compromise, plaintiffs hereby request that the deadline for the answer of Defendant Empire State Development Corporation be reset to this Wednesday, April 28, 2020.

Respectfully,

James M. Maloney

cc: all parties via ECF